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7 *Attorneys for Defendants*  
*Isidro Baca, James Greg Cox, E.K. McDaniel,*  
8 *Brian Sandoval, Ronald Schreckengost, and Lisa Walsh*

9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF NEVADA

11 EDWARD SEELY,  
12 Plaintiff,

13 vs.

14 ISIDRO BACA, RON SCHRECKENGOST,  
LISA WALSH, E.K. MCDANIEL, GREG  
15 COX, BRIAN SANDOVAL, ROSS MILLER,  
CATHERINE CORTEZ-MASTO,

16 Defendants.

17 WILLIAM LYONS,

18 Plaintiff,

19 vs.

20 ISIDRO BACA, JAMES "GREG" COX, E. K.  
MCDANIEL, BRIAN SANDOVAL, RONALD  
21 SCHRECKENGOST, and LISA WALSH

22 Defendants.

Case No. 3:15-cv-00118-MMD-CBC  
(Consolidated With Case No.  
3:15-cv-00126-MMD-WGC)

JOINT STIPULATION TO CONTINUE  
TRIAL

23 Plaintiffs, Edward Seely and William Lyons (Plaintiffs), by and through counsel, Garrett T. Ogata,  
24 Esq., and Defendants, Isidro Baca, James "Greg" Cox, E.K. McDaniel, Brian Sandoval (official capacity  
25 only), Ronald Schreckengost, and Lisa Walsh (Defendants), by and through counsel, Aaron D. Ford,  
26 Attorney General of the State of Nevada, and Ian Carr, Deputy Attorney General, hereby stipulate and  
27 agree to continue the trial in this case and the associated dates established by the Court.  
28

1 District courts have inherent power to control their dockets. *Hamilton Copper & Steel Corp. v.*  
2 *Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Oliva v. Sullivan*, 958 F.2d 272, 273 (9th Cir.  
3 1992). A motion for a continuance of trial should be granted for good cause. FED. R. CIV. P. 16(b)(4).  
4 "The determination of whether to grant a motion for trial continuance rests in the sound discretion of the  
5 trial court." *U.S. v. Makley*, 468 F.2d 916, 917 (9th Cir. 1972).

6 The parties respectfully stipulate, agree, and request that the Court continue the trial and associated  
7 dates in this case. Plaintiff's counsel has a heavy criminal caseload to clear in the coming months.  
8 Additionally, defense counsel is set to appear as co-counsel for a jury trial before Senior District Judge  
9 Robert C. Jones during the same time period as this case: to begin on Monday, February 25, 2019 in the  
10 case *Peters v. Cox et al.*, 3:15-cv-00472-RCJ-CBC. *See id.* at ECF No. 101. Because defense counsel  
11 cannot physically appear in two separate trials at the same time, continuing this trial will facilitate judicial  
12 economy and logistics. Furthermore, the trial in *Peters v. Cox et al.*, 3:15-cv-00472-RCJ-CBC has already  
13 been continued twice, and likely cannot be continued again. *See id.* at ECF No. 101.

14 Additionally, defense counsel is set to appear as co-counsel in another case set for trial in April,  
15 *Gruber v. Gedney et al.*, 3:15-cv-00543-RCJ-CBC, to begin on Monday, April 1, 2019 before Senior  
16 District Judge Robert C. Jones. *See id.* at ECF No. 122. Because of this additional trial, Plaintiff's and  
17 defense counsel conferred and agreed to continue this trial until at least May.

18 This request is not made for the purposes of undue delay and is brought in good faith. The Court  
19 and parties will not be prejudiced by this request. The additional time will also allow the parties' counsel  
20 to meet and confer regarding pre-trial matters, to coordinate exhibits, and to facilitate a more effective trial.  
21 Furthermore, there should be no known inconvenience to the Court or parties, or any witness as a result of  
22 this request for a continuance. This will allow the parties more time to prepare for trial, which will result in  
23 a more organized and efficient trial.

24 Furthermore, a continuance would grant the parties additional time to re-open settlement  
25 negotiations and explore the possibilities for a settlement agreement prior to trial. The parties will in good  
26 faith use additional time to discuss possible ways to resolve this matter before trial.

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1 Accordingly, the parties assert that the requisite good cause is present to justify continuance  
2 pursuant to FED. R. CIV. P. 16(b)(4). Therefore, the parties respectfully request that this Court continue  
3 the trial in this case and the associated dates. The parties offer the following suggested trial dates:

- 4 1. The week beginning **May 13, 2019**;  
5 2. The week beginning **May 20, 2019**;  
6 3. The week beginning **May 27, 2019**;  
7 4. The week beginning **June 3, 2019**.


8 \* \* \*

9 DATED this 15th day of January, 2019.

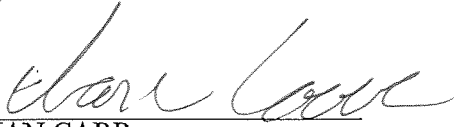
DATED this 15<sup>th</sup> day of January, 2019.  
18<sup>TH</sup>

AARON D. FORD  
Attorney General

11 By:

12   
13 GARRETT T. OGATA, ESQ.  
14 The Law Offices of Garrett T. Ogata  
15 Attorney for Plaintiffs

By:

  
IAN CARR  
Deputy Attorney General  
Bureau of Litigation  
Public Safety Division  
Attorneys for Defendants

16 The stipulation to continue trial is granted. This matter is placed on the stacked trial calendar  
17 of May 7, 2019. Calendar call is set for April 28, 2019 at 1:00 PM.

18 IT IS SO ORDERED.

19   
20 U.S. DISTRICT JUDGE

21 DATED; January 22, 2019  
22  
23  
24  
25  
26  
27  
28


1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that  
3 on this 15<sup>th</sup> day of January, 2019, I caused a copy of the foregoing, **JOINT STIPULATION TO**  
4 **CONTINUE TRIAL**, to be served, by U.S. District Court CM/ECF Electronic Filing and to be  
5 deposited for mailing a true and correct copy of the foregoing on the following:

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An employee of the  
Office of the Attorney General